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09/091,510 12/17/98 TOWNSEND

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EXAMINER

TM02/0314

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ART UNIT

PAPER NUMBER

2611

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/091,510**

Applicant(s)  
**Townsend, et al**

Examiner  
**Reuben M. Brown**

Group Art Unit  
**2611**



☒ Responsive to communication(s) filed on Dec 14, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-8 and 10-69 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-8 and 10-69 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2611

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 18, 28, 46 & 60-63 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 46-50, 52, 54-58 & 69 are rejected under 35 U.S.C. 102(e) as being anticipated by Burke, (U.S. pat # 6,026,377).

Art Unit: 2611

Considering claim 46, the amended claimed interactive services interface comprising a first broadcast entry level for enabling a user to select from a range of available service types reads on the operation of Burke, wherein the user is enabled to at least choose between conventional TV broadcast service and a home shopping service in a CATV network, (col. 1, lines 49-67; col. 5, lines 39-67). Burke (col. 6, lines 65-67) teaches that the first step is for the user to activate the shopping service 65 and desired store 59, which reads on the instant recited first level.

The claimed second broadcast interactive level entered by a user selection of a service type for enabling the user to select from a range of class of goods and/or services available from the selected provider reads on the second step in Burke, in that the user chooses a desired product category, see col. 7, lines 55-67. The claimed third broadcast interactive level, entered by a user selection of a class of goods and/or services, for enabling the user to select particular goods and services is met by Burke, (col. 8, lines 13-25) which teaches a user selecting a particular product item, after a category selection has been made.

Regarding the additional amended claimed feature of a second broadcast entry level for enabling a user to directly enter a predetermined one of first, second or third level is broad enough to read on Burke, since in the Burke the user is at least enabled to enter from broadcast level one.

Art Unit: 2611

Considering claim 47, as pointed out above in claim 46, in Burke the user enters from entry level one, which meets the requirement of the instant claim.

Considering claims 48-49, the user in Burke places an order, and completes an order; col. 10, lines 1-21.

Considering claims 50, 52 & 55, Burke discloses a plurality of interactive screens, (col. 7, lines 5-67).

Considering claim 56, Burke teaches that a user is enabled to access portions of the list of products which are not currently displayed on the screen by using a left or right input device, (col. 9, lines 15-34).

Considering claim 57, the receiver in Burke comprises an interactive services interface (col. 5, lines 39-67).

Considering claim 58, Burke discloses that consumers may access the shopping service via a modem, (col. 5, lines 50-60).

Art Unit: 2611

Considering claims 69 & 54, the user in Burke is enabled to enter a shopping service, place an order for goods or services, and receive a confirmation which reads on the claimed subject matter, (col. 6, lines 54-67; col. 11, lines 65-67 thru col. 12, lines 1-3).

4. Claim 61 is rejected under 35 U.S.C. 102(e) as being anticipated by Mankovitz, (U.S. Pat # 5,559,550).

Considering claim 61, the claimed receiver for receiving a plurality of TV signals in a plurality of channels, producing a TV schedule guide defining a plurality of channels, such that with a user operable selector, the user may select a program from the displayed list of TV programs

wherein the video which corresponds with the selected program is also displayed on the TV screen, as well as the list of programs is met by Mankovitz (Fig. 9; col. 10, lines 55-67).

5. Claims 62-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Knee, (U.S. Pat # 5,589,892).

Art Unit: 2611

Considering claim 62, the claimed feature of a receiver comprising a user operable selector operable to select from the list of channels for which no information will normally be displayable by the receiver reads on the operation of Knee, (col. 22, lines 31-67 thru col. 23, lines 1-67). The instant passage of Knee discloses a Channel/Program Lockout feature wherein a subscriber may choose to prohibit access to certain channels, unless the user enters the appropriate code (Fig. 30; Fig. 39; Fig. 40A). If the user enters the appropriate code, then the user may select from the instant list of channels not normally displayed on the TV screen.

Considering claim 63, the claimed feature of presenting an order list of TV programs, and enabling the user to select the order in which the channels are listed in the list is broad enough to read on the user selecting various categories of programming, (Fig. 19; Fig. 20; Fig. 29). As result of a user selecting differing categories of programming, the EPG will display the program channel lists in different, corresponding order. Regarding claim 64, Knee teaches that the user enabled to change the sequential order of Favorite channel lists, (col. 28, lines 6-25).

Art Unit: 2611

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action: ..

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 51 & 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burke, in view of Hendricks, (WO 94/14284).

Considering claims 51 & 53, Burke does not specifically disclose stored information data comprising template data and a processor to construct the data representing the interactive image from received information data and the stored template data. However, Hendricks teaches a reprogrammable terminal for suggesting programs offered on a television program delivery system comprising reprogrammable software stored in memory and processed by the processor for generating and changing menu formats, templates, logos, colors of the display (page 4, lines 15-27 and pages 19-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Burke by the teachings of Hendricks so that the look and feel of the system can accommodate and perform useful functions created by other manufacturers. Also storing template data on the local receiver, reduces the need for the instant



Art Unit: 2611

local receiver to retrieve more of the data required by the user over the network, thereby causing the user to receive information faster, and without network delay. Regarding claim 53, the claimed feature of creating screens by utilizing template data and on-line information is met Hendricks.

8. Claims 1-4, 6-8, 10-14, 16-30, 32-37, 39-45, 59-60 & 65-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Florin, (U.S. Pat # 5,594,509), in view of Green, (U.S. Pat #, 5,664,110).

Considering claims 1 & 28, Florin discloses an AV system for selectively viewing and interacting with programs and services from a number of program/service sources with a transceiver for receiving broadcast digital television signals (col. 8, lines 19-67) representing both video and information data and displaying such data as an interactive image, and being responsive to viewer manipulation of an input device to vary the interactive image and to establish a telecommunications link to a remote site between the viewer and the remote site (col. 2, lines 36-55).

Using a modem for establishing a telecommunications link was extremely well known in the art at the time the invention was made. Accordingly, Florin discusses using a modem, in a

Art Unit: 2611

particular embodiment to establish a telecommunication link since a modem is capable of modulating and demodulating signals and transmitting the signals over data communication facilities with speed, see col. 10, lines 35-42.

However, Florin does not explicitly teach the amended claimed feature of the "receiver being responsive to viewer manipulation of an input device to vary the interactive image and to cause the modem to establish a telecommunications link to a remote site for on-line interaction". Nevertheless, at the time the invention was made, it was extremely well known in the art to for a user of a network data terminal device to utilize a GUI image in order to activate a modem and establish communication with a remote site, in fact the alternative of such a feature would be for the user to have somehow interact with physical button/switch on the instant network data terminal device, in order to establish communication which would have been very cumbersome, and in general an ineffective use of well known software technology. In an improvement, Green (col. 4, lines 41-65; col. 10, lines 18-28; col. 12, lines 57-67) provides a disclosure of an interactive shopping system, wherein the user manipulates and ORDER button, 62 or 72 (Fig. 3; Fig. 5), which causes the network data terminal device, DPU 10 to establish communication with a central database, DFTC 12. Green teaches that the invention is applicable to use of a PSTN, wired, wireless, or CATV networks, and thus its combination with Florin is proper. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify Florin, with the well known technique of utilizing a GUI in order to activate a modem to establish

Art Unit: 2611

a telecommunications link as taught by Green, at least for the desirable advantage of enabling the user to establish the link with respect to any particular corresponding application which requires such a link, efficiently utilizing the same software application which the user is interacting with in order communicate over time with the remote site.

As for claims 2, 3, 11, 12, 29, 35, Florin reveals an AV decoder 74, memories 80, 75 and 65 for storing information data including on-line data, and a CPU 63 for processing and executing the stored information data (see Figure 2; col. 8, lines 65-67; col. 9, lines 26-42; col. 11, lines 17-28).

As for claims 4 & 30, Florin teaches that the CPU 63 responds to viewer's remote control device 60 and its inputs (col. 8, lines 54-60; col. 13, lines 39-55 ).

Concerning claims 6, 32 & 33, Florin shows a transceiver 54 receiving video image data and a AV decoder 74 to decode the image data for display in the interactive image (col. 9, lines 26-41).

As for claims 7 and 8, Florin provides for a remote control device 60 with a keypad (see Figs. 4a, 4b, 5a, 5b).

Art Unit: 2611

As for claims 10 & 34, according to Green data is transmitted/received via modem and the user's DPU 10 is responsive to the instant data, (col. 3, lines 39-67; col. 6, lines 44-57).

Regarding claims 13, 14, 66, 36, 37 & 68, Florin teaches a CPU 63 responding to viewer's input via the remote control device in accordance with the program data, and a plurality of interactive display screens each individually displayable (see Figs. 11-13 and General Systems Configuration).

As for claims 16 & 39, Florin further discloses a CPU 63 which derive data representing an interactive screen from the on-line data (see Home Shopping Interface, col. 23, lines 59-67).

Concerning claims 17 & 40, Florin displays the interactive screens in a hierarchical order in response to viewer's input, disclosed as program selection using categories (Col. 12, lines 1-20).

Regarding claims 18-22 & 41-45, Florin discloses the well known GUI technology operating within an EPG, such that the user manipulates a scroll bar in order to access TV programming which are not concurrently displayed in the TV screen, (Fig. 12; Fig. 14; Fig. 16; col. 16, lines 5-28).

Art Unit: 2611

Considering claims 23-27, Green discusses the use of smart-card technology to restrict access to certain to only the authorized users, (col. 5, lines 22-62; col. 10, lines 34-52) and to facilitate the transmission of user ID information, without requiring the user to enter such information at keyboard for each transaction. Official Notice is taken that at the time the invention was made, it was well known to issue consumers, credit cards from financial institutions. For instance, it would have been obvious to include a means for reading credit cards from financial institutions, which would have been an advantage since there are such a high number of consumers which carry such cards, therefore the majority of the consumers could use the system right away, without having to wait for a purchase card to be sent from each individual merchant with which the user desires to shop. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify the combination of Florin & Green to include any number of card readers, at least depending upon the various types of cards which may be processed.

Considering claims 59-60, Florin discloses an interactive image with a constant background image and a changeable preview picture, wherein the preview picture appears to form a single continuous interactive image, as well as a changeable graphic overlay (Figs. 18-22), see inset images.

Art Unit: 2611

9. Claims 5, 15, 31, 38, 65 & 67 rejected under 35 U.S.C. 103(a) as being unpatentable over Florin & Green and further in view of Hendricks, (WO 94/14284).

Regarding claims 5, 15, 31 & 38, Florin fails to specifically disclose stored information data comprising template data and a processor to construct the data representing the interactive image from received information data and the stored template data. However, Hendricks teaches a reprogrammable terminal for suggesting programs offered on a television program delivery system comprising reprogrammable software stored in memory and processed by the processor for generating and changing menu formats, templates, logos, colors of the display (page 4, lines 15-27 and pages 19-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Florin by the teachings of Hendricks so that the look and feel of the system can accommodate and perform useful functions created by other manufacturers. Also storing template data on the local receiver, reduces the need for the instant local receiver to retrieve more of the data required by the user over the network, thereby causing the user to receive information faster, and without network delay.

Considering claims 65 & 67, Hendricks discloses plural interactive screens (Fig. 8; Figs. 11A-11E).

Art Unit: 2611

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Fulton Teaches interactive shopping over a telecommunications network.

Art Unit: 2611

**Any response to this action should be mailed to:**

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**or faxed to:**

(703) 308-6306, (for formal communications intended for entry)

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*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (703) 305-2399. The examiner can normally be reached on Monday thru Friday from 830am to 430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

  
**ANDREW FAILE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**